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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,897

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Yasuo Sugahara

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11/28/2006

STAAS & HALSEY LLP

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EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/729,897

Applicant(s)

SUGAHARA, YASUO

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

The Applicant amended independent claims 1, 8, and 15, amended dependent claims 2-7, 9, 10, 12, and 13, and newly added claims 16 and 17. All pending claims 1-17 were examined in this final office action necessitated by amendment.

### ***Response to Arguments***

Applicant's arguments based amended claim language, see Remarks, filed 07 September 2006, with respect to the rejection(s) of claim(s) 1-17 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ananian and Greef. The amended claim language was significant to warrant search and use of prior art that better addresses the amended claims as the base reference.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by

the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1-6, 8-10, 12, 13, and 15-17 are rejected under 35 USC 102(e) as being anticipated by Ananian (US 7,013,290).**

Ananian teaches all the limitation of Claims 1-6, 8-10, 12, 13, and 15-17. For example, Ananian discloses a system and method of interactive cataloging of products and services by end users across multiple sales and marketing channels. End user cataloging actions of products and/or services across multiple manufacturing, distribution, and retailing channels create personalized profile instances that are based on stored vendor catalog profile templates in the catalog server system, and stored in the end user's personalized electronic catalog as pre-sale digital receipts. Ananian discloses an end user's personalized electronic catalog(s) being shared with peers using mutual agreement permissions as managed by the catalog server system (see at least abstract; Fig. 1; cols. 15-27). Ananian discloses uniquely identifying users of the online service and discloses proxy shopping. Ananian further discloses:

- obtaining first purchase information concerning items selected by a first person from an item list provided by an online shopping service via a network; first user creates personalized shopping catalogs (i.e. purchase information) over a network (see at least col. 7, line 63 through col. 8, line 21; col. 15, lines 20-40; col. 32, lines 15-22).

- storing the first purchase information obtained; stores purchase information in database; the IDCP digital receipt, as stored in a digital receipt database provides a safe, secure, and convenient method for modifying the user's catalog status from pre-purchased to that of purchased (as shown in FIG. 13, the digital receipt database is the user catalog data store that stores pre-sale digital receipts as a result of cataloging actions) (see at least Fig. 1 (200); Fig. 2 (250-262); Fig. 13 (col. 29, lines 8-22)).
- receiving a search condition from a second person; searching the storage unit for the first purchase information corresponding to the search condition; and creating second purchase information concerning an item to be purchased by the second person, based on the first purchase information searched. An improvement on the conventional instant messaging tool can be employed with the present invention to facilitate real-time instant cataloging. When the user sees or buys a product that the user feels that one or more peer users would like to review or buy, the first user forwards to the second peer user one or more catalog items via the ICA "Sharing" view. The same can be achieved through any of the device applications, for example set-top box, smart phone, PDA, or PC, etc. The targeted recipient user may choose to catalog the item or simply offer an opinion using an ICA "rating" to give the item an approval rating. This interaction could all take place in real-time, just as with instant

messaging. It is not always necessary for one peer to manually forward a catalog item. If mutually agreed on, two or more peer sharing partners can authorize unfettered access to one or more catalog categories on a continuous basis. This would enable any user to search another user's selections without the need to manually intervene or assist. This aspect of the present invention could also be used to facilitate "shopping by proxy." The second user could access the first user's catalogs while either is shopping in real-time. This would allow catalog groupings to move freely from one account or device to another (see at least col.55, line 59 through col. 56, line 15).

- Computer program product: Inherent in Ananian are the structures necessary to permit execution of computer program code to perform the disclosed functions. For example, see Fig. 1.

Pertaining to apparatus claims 1-6 and 17

Rejection of claims 1-6 and 17 is based on the same rationale as noted above.

Pertaining to computer program product claim 15

Rejection of claim 15 is based on the same rationale as noted above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2. Claims 7, 11, and 14 are rejected under 35 USC 103(a) as being unpatentable over Ananian (US 7,013,290) in view of Greef (Paper #20060530, US 6,032,129).**

Ananian teaches all the above as noted under the 102(e) rejection and teaches any first user (i.e. person) sharing purchasing information with a second user, and the service being used for proxy shopping to help friends, family, or peers with their shopping experience, but fails to disclose the first user as a person who manages the online shopping experience. Greef teaches an online service that provides proxy shopping service via help from representatives of the online service (see at least abstract; Fig. 1a; Fig. 1b; Fig. 2 (203, 204, 205); col. 2, line 35 through col. 3, line 50). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Ananian to provide proxy shopping support by a person who manages the online shopping service as taught Greef, in order to assist those who do not have friends, family, or peers available to assist in the shopping experience.

Pertaining to apparatus claim 7

Rejection of claim 7 is based on the same rationale as noted above.

Pertaining to computer program product claim 14

Rejection of claim 14 is based on the same rationale as noted above.



***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', is written over the printed name.

Robert M. Pond  
Primary Examiner  
November 15, 2006